

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

MATTHEW BAHR on behalf of himself and all)	
others similarly situated,)	
)	
Plaintiff,)	
)	
v.)	No. 1:19-mc-00027-TWP-TAB
)	
STATE COLLECTION SERVICE, INC.,)	
)	
Defendant.)	

**REPORT AND RECOMMENDATION
ON DEFENDANT’S MOTION TO TRANSFER OR QUASH**

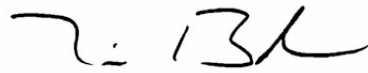
At issue is Defendant’s motion to transfer or, in the alternative, quash Plaintiff’s subpoena served on non-party Ontario Systems, LLC. The subpoena was issued as a part of an action currently pending before the Honorable Sara L. Ellis in the Northern District of Illinois, *Bahr v. State Collection Serv., Inc.*, 1:18-cv-02910, (N.D. Ill. Apr. 24, 2018). Rule 45(a)(2) requires subpoenas to be issued from the court in which the action is pending. Challenges to a subpoena, on the other hand, must be heard by the court where compliance is required. Fed. R. Civ. P. 45(d)(3)(A)–(B). Ontario is a Muncie, Indiana company, and compliance with the subpoena would be required in the Southern District of Indiana. However, “[w]hen the court where compliance is required did not issue the subpoena, it may transfer a motion under [Rule 45] to the issuing court if the person subject to the subpoena consents or if the court finds exceptional circumstances.” Fed. R. Civ. P. 45(f). Ontario consented to the transfer of the motion to the Northern District of Illinois.¹ [Filing No. 9, at ECF p. 2.] Therefore, no

¹ Though not necessary under Rule 45(f), Plaintiff likewise consented to the transfer. [Filing No. 8, at ECF p. 3.]

consideration should be given to the parties' arguments concerning whether to quash the subpoena, but instead the Clerk should transfer the motion back to the issuing court—the Northern District of Illinois.

Any objections to the Magistrate Judge's Report and Recommendation shall be filed with the Clerk in accordance with 28 U.S.C. § 636(b)(1). Absent a showing of good cause, failure to file objections within 14 days after service shall constitute a waiver of subsequent review.

Date: 4/18/2019



Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

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